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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20054

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JUN 18 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
) RM-9523
Amendment of Section 73.202(b)) MM Docket No. 99-133
Table of Allotments)
FM Broadcast Stations)
Evergreen, MT)

To: Kathleen Sheuerle
Allocations Branch

COMMENTS

The Battani Corporation submits these Comments in response to the NPRM issued in this proceeding on April 30, 1999.

Although Evergreen may be a CDP and have a population of approximately four thousand persons,^{1/} it is not a "community" for the FCC's FM allocations purposes.

As noted in the attached Verified Statement, Evergreen is simply a neighborhood contiguous to Kalispell, MT. See Attachment A. It has no city government, no local police, no independent school system, no library, no separate post office or zip code and no chamber of commerce. Id. There are even proposals pending to annex the area into the city of Kalispell. Id. The Petition should be denied.

Respectfully submitted,



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June 18, 1999

Counsel for Battani Corporation

cc: Victor A. Michael (Petitioner)

^{1/} See NPRM, at 3.

VERIFIED STATEMENT

My name is RONALD ROSE, I am a resident of Flathead County, Montana, and I verify that the following is true and correct to the best of my information and belief:

1. I am aware of a Petition filed at the FCC, seeking the allocation of a new FM station at Evergreen, MT. Evergreen is a residential area contiguous to Kalispell, Flathead County, MT, where I am employed.

2. As a resident of the County, I am familiar with the area known as "Evergreen." It is not a city, nor even a community with its own government or separate school system or local police or any other municipal function. It is largely a neighborhood adjacent to Kalispell, MT. In fact, there have been proposals to annex the area into the city of Kalispell. Evergreen is simply not a separate community in the sense that it has its own government or separate mailing address. While there are schools in Evergreen, they are part of the Kalispell School System. There is no Evergreen library or Chamber of Commerce or separate newspaper.

3. In short, Evergreen is part of the larger community of Kalispell, MT.



Ronald Rose

June 17, 1999